

IN THE DISTRICT OF THE UNITED STATES  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,  
Plaintiff,

No. 1:16-CR-02725-MCA

VS.

CHRISTIAN BEGAY,  
Defendant.

**UNOPPOSED MOTION TO CONTINUE**

COMES NOW the Defendant, Christian Begay, through counsel of record, Pursuant to 18 U.S.C. §3161(h)(7)(A), and 18 U.S.C. §3161(h)(7)(B)(iv), and hereby moves this Court to continue the call of the calendar on May 4, 2017, for a period of at least 60 days, and the trial date on May 8, 2017 for a period of at least 60 days, and to extend the Motion Deadline, for a period of at least 60 days. The Defendant states:

1. Christian Begay was indicted on June 15, 2016. Mr. Begay was arraigned on the indictment on June 23, 2016. Mr. Begay has been detained pending trial and is housed at Sandoval County Detention Center.

2. Counsel for the Defendant entered his appearance/ Notice of Substitution of Attorney on April 21, 2017 and has yet to receive Discovery to review the matter.
3. Counsel has not begun discussions with the Government regarding resolution since he entered his appearance. An extension of the deadline to file pretrial motions and a continuance of the trial setting would permit undersigned counsel to continue negotiations with Mr. Begay and/or continue settlement negotiations, which, if successful, might serve the best interests of the client and also conserve the resources of the Court.
4. Mr. Begay agrees and, through his undersigned counsel, hereby submits that the ends of justice are served by granting the continuance, and this outweighs the best interest of the public and Defendant in a speedy trial, as required by 18 U.S.C. § 3161 (h)(7)(A). As appears from the foregoing, the parties and their counsel have been exercising due diligence. Nevertheless, Defendant Mr. Begay also submits that, pursuant to the requirements of 18 U.S.C. § 3161 (h)(7)(B), as further clarified by the decision of the Tenth Circuit Court of Appeals in *United States v. Toombs*, 574 F.3d 1262 (10<sup>th</sup> Cir. 2009), good grounds exist for the continuance since

additional time is necessary to enable counsel for the parties to continue to pursue settlement negotiations, and for the defense to continue and conclude its investigation of the facts and to determine what, if any, pre-trial motions need to be filed.

5. Defendant Begay understands that, if the continuance is granted, that time may be excluded for purposes of the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*. The proposed Order accompanying this Motion incorporates that.
6. Thus, good grounds exist for the extension of the motion deadline and the continuance of the trial pursuant to US v. Toombs, 574 F.3d 1268 (10<sup>th</sup> Cir. 2009).
7. The motion is the fifth request to continue the trial setting by Defendant and extend the time to file pretrial motions
8. Assistant United States Attorney, Elaine Y. Ramirez, was contacted via email on April 24, 2017 for her position and responded that she is not opposed to this motion.

WHEREFORE for the forgoing reasons, the Defendant requests that an order be imposed to continue the call of the calendar on May 4, 2017, for a period of at least 60 days, and the trial date on May 8, 2017 for a period of at least 60

days, and to extend the Motion Deadline, for a period of at least 60 days; and grant such other relief as to the Court seems just and proper.

Respectfully Submitted,

/s/ Emeterio L. Rudolfo  
EMETERIO L. RUDOLFO  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> of April, 2017, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel of record for the United States, and current counsel of record for the Defendant, to be served with a copy of this pleading by electronic means.

/s/ Emeterio L. Rudolfo  
EMETERIO L. RUDOLFO  
Counsel for Christian Begay